



TEXAS JUVENILE JUSTICE DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

Board Meeting

11209 Metric Boulevard, Building H, Ste. A
Lone Star Conference Room
Austin, TX 78758
Friday, May 20, 2016 – 9:00 a.m.

BOARD MEMBERS PRESENT:

Scott W. Fisher, Chairman
The Honorable John Brieden III
The Honorable Becky Gregory
Jane King
MaryLou Mendoza
Scott "David" Matthew
The Honorable Laura Parker
Riley Shaw
The Honorable Jimmy Smith
Calvin W. Stephens

BOARD MEMBERS ABSENT:

Dr. Rene Olvera
The Honorable Carol Bush

EXECUTIVE STAFF PRESENT:

David Reilly, Executive Director
Chelsea Buchholtz, Chief of Staff
Roland Luna, Chief Inspector General
Luther Taliaferro, Superintendent of Education
Rebecca Walters, Director of Youth Placement &
Program Development
Teresa Stroud, Senior Director of State Programs & Facilities

Tushar Desai, Medical Director
Eleazar Garcia, Chief Internal Auditor
Jim Hurley, Communications Director
Carolyn Beck, Governmental Relations Specialist
Mike Meyer, Chief Financial Officer
Jeannette Cantu, Executive Assistant

OTHER GUESTS PRESENT:

Kaci Singer, TJJD	Kathryn Gray, TJJD
Kevin DuBose, TJJD	Mike Turner, TJJD
Marybel Sanchez, TJJD	Shaun Thompson, TJJD
John Dahill, TXCUC	Scott Friedman, TJJD
Vivian Cohn, TJJD	Fred Meinke, TJJD
Karol Davidson, TJJD	Stephanie Melot, TJJD
Connie Simon, TJJD	Steve Roman, TJJD
Kenneth Ming, TJJD	Karen Kennedy, TJJD
Matthew Segura, TJJD	Rebecca Garza, TJJD
Roy Bradshaw, Epiphany	Jeannette Lepe TJJD

Xavier Casares, TJJD
Mayla Robledo, TJJD
Nancy Slott, TJJD
Tammy Holland, TJJD
Jerome Williams, TJJD
Kate Mellina, Epiphany
Ashley Kintzer, TJJD
Christina Garcia, TJJD
Jim Southwell, TJJD
Pernilla Johansson, TJJD

Board Meeting
May 20, 2016

Tina Farrell, TJJD	Justin Adams, TJJD	Debbie Unruh, OIO
Sarah Holden, Epiphany	Pat Doughty, Epiphany	Sheri Short, Epiphany
Alberta Ortiz, Epiphany	Doug Vance, Brazos Co.	David Ricks, Epiphany
John Pelczar, Williamson Co.	Seth Christensen, OOG	Edeska Barnes, Jasper Co.
Susan Humphrey Bell Co.	Mike Mellina, Epiphany	Marc Bittner, 33 rd & 424 th Judicial District
Rachel Carrera, LBB	Kyle Dufour, TJJD	

Call to order

Chairman Fisher called the meeting to order at 9:02 a.m.

Prayer

Rebeca Mata opened the meeting with a prayer.

Pledge

The Pledge of Allegiance and Pledge to the Texas Flag were recited.

Discussion, consideration, and possible approval regarding excused absences (Action)

The following board members were absent: Carol Bush and Rene Olvera. Mr. Matthew moved to excuse the absences. Commissioner Smith seconded. The motion passed.

Discussion, consideration, and possible approval regarding the April 1, 2016 Board Meeting minutes (Action)

Mr. Stephens moved to approve the April 1, 2016 Board meeting minutes. Ms. Mendoza seconded. The motion passed.

Report from the Executive Director

Mr. Reilly, Executive Director, provided the Board with an update on the Youth in Custody Practice Model, an 18-month comprehensive technical assistance package through the Council of Juvenile Correctional Administrators and the Center for Juvenile Justice Reform at Georgetown University's McCourt School of Public Policy. The project is focused on family involvement, case planning and disproportionality. This is a tremendous, well-timed opportunity for TJJD to examine our facility systems through a gap analysis and with the help of national experts implement the next layer of best practices and reforms to improve the outcomes

of youth in the agency's care. A site visit at Giddings was conducted and the next site visit is scheduled in July at the Evins facility.

This week, the staff began receiving applications for diversions for regionalization. The individual diversions will begin June 1, 2016. This summer, staff will finalize the state-wide plan for this initiative, informed by the plans of each region. The Board will see the state-wide plan in August.

The strategic planning process is under way. The agency plan is due June 24, 2016. It will be much more limited in scope than previous years, primarily focused on agency goals, an action plan, redundancies and impediments. A draft is before the Board today for consideration and feedback.

The agency is loosening its practice of identifying kids for non-secure placement both directly from orientation and assessment (O&A) and after time in state secure facilities. Staff have previously avoided sending kids directly from O&A to a non-secure placement if their committing offense is violent in nature. Staff are piloting a shift, in which staff would consider those kids for non-secure, if their behavior at O&A and/or in the early months in state secure placement warrants it and if their committing offense is the only violent offense on their record. This will allow staff to serve more kids in a more shallow area of the juvenile justice system and help manage population in secure facilities. Staff will monitor closely.

At the last Board meeting, it was reported that the increase in TJJD residential population had leveled off after almost a year of gradually increasing population. At that time, the agency was at about 6.5% overpopulation in state-secure facilities and 4.7% overpopulation in all residential programs. Since that report, the population has again increased. The agency is currently at about 10% overpopulation in state-secure facilities and 5.9% overpopulation in all residential programs. While in February, the agency received fewer new admissions and released more youth from secure facilities in comparison to February 2015, in March and April, the agency received more new admissions as compared to the previous year, 1% and 8% respectively. In total, the agency has now received 5% more admissions year-to-date than in the prior fiscal year. Therefore, in March and April, state-secure population rose. Additionally, the parole population rose approximately 10% between February and May 1.

In the last Board meeting a question was raised about what is driving these increased admissions to TJJD. Staff reported that in FY 2015, there was a decrease in certification and an increase in determinate sentencing, and believed there was also an increase in juvenile violent crime in some areas of the state. When comparing FY

2014-2015, there is an 8% increase in violent felony referrals for the state. When comparing FY2015-2016 to date, there is a 5% increase. Staff continue to watch the population closely.

The population increase has made the agency budget extremely tight. The agency will end FY 2016 tight and because the agency is budgeted less in FY 2017 than FY 2016, FY 2017 will begin even tighter. Staff are examining ways to find savings and anticipate a very tight belt through the end of FY 2017. Page 339 of the board book provides significant detail. The agency is in a position of making hard decisions to insure its operating as conservatively as possible.

There are great stories in this edition of our newsletter. Added, was a section to recognize county/state employees who have passed away. Recognized was DeWitt County Juvenile Probation Chief Ernest Sertuche, Giddings State School Juvenile Corrections Officer Tracy Haynes Alexander, Guadalupe County Juvenile Probation Officer Guadalupe "Lupe" Facundo and Central Office Information Technology employee Cory Applewhite. Not mentioned in the newsletter but the Board will hear more about him shortly, Dr. Pat Holden, Epiphany volunteer for TJJD also recently passed away.

Mr. Reilly commended Giddings State School for a success year in sports.

TJJD received certification from the American Psychological Association. This has been a six-year process, with Dr. Madeleine Byrne leading the charge. This accreditation will allow the agency to recruit and retain high quality psychology staff more easily. This is an excellent recruitment opportunity for TJJD.

Public comments

Marc Bittner of the 33rd and 424th Judicial District approached the Board to speak on agenda topic 17 regarding FY 2017 State Aid Funding Allocations. Mr. Bittner described the challenges he is facing with planning and budgeting under the proposed state aid structure. He asked that the Board reconsider the funding formula and make it a competitive process.

Epiphany Volunteer Program presentation

Tammy Holland, Manager of Community, Family and Chaplaincy Programs, introduced Roy Bradshaw, Chairman of the Texas Epiphany's Organization. Epiphany Ministry is an ecumenical ministry for incarcerated youth. Epiphany is active in the majority of youth facilities in Texas. He showed a newsreel a news story on Epiphany.

Tammy Holland shared statistics for FY 2015. TJJD recorded 18,180 hours of service performed solely by 211 Epiphany volunteers across the state, not including the special event visitors they bring in for special events or the work they are doing in the county probation departments. Most of TJJDs faith-based mentors across the state are comprised of Epiphany volunteers. Last year, TJJD recorded 4500 hours of mentoring for the youth.

Chairman Fisher thanked Mr. Bradshaw for his service.

Recognition of Dr. Patrick Holden posthumously for his outstanding service in the juvenile justice system (Action)

Tammy Holland introduced Mrs. Sarah Holden, wife of the late Dr. Pat Holden. Sarah is an Epiphany volunteer from the San Antonio area. Dr. Pat Holden had chaired the Texas Epiphany Board for three years when he unexpectedly passed away this past January while on his way to the Evins facility in Edinburg to lead an Epiphany weekend event. The TJJD Board issued a formal resolution honoring Dr. Holden posthumously for his outstanding service and devotion to the youth. Chairman Fisher read the resolution. Judge Brieden moved to approve the resolution. Ms. Mendoza seconded. The motion passed.

Chairman Fisher presented the resolution to Mrs. Sarah Holden and photos were taken with her, the Epiphany members and the TJJD Board Chairman.

Report from the Advisory Council

Doug Vance, Chief of Brazos County and Chair of the Advisory Council on Juvenile Services, presented the Board with a report on the council's activities since the last meeting which included updates on Regionalization Taskforce, Probation Funding, State Aid Funding Formula revision, Standards Committee, Advisory Council Officer Elections and a Sub Committee review. The Advisory Council is scheduled to meet again on June 30, 2016.

Report from the Inspector General

Roland Luna, Chief Inspector General, provided an update to the Board on summary indicators through March 31, 2016 in comparison to FY 2015. Of noteworthy importance, while there is a 33% increase in the number of criminal investigations retained by the OIG, there has been a 13% decrease in the number of cases submitted for prosecution. In response to a comment from Judge Brieden, Chief Luna confirmed that 23% of our youth are confirmed as gang related.

The OIG has continued its work with the Special Prosecution Unit to improve workflow and disposition tracking as well as its work with the Training Division on the Gang Curriculum.

In honor of National Police Week, Chief Luna recognized OIG employees, Xavier Casares, Lizette Hinojosa and Shaun Thompson for their work with the OIG division and dedication to supporting the TJJD mission.

Report from the Administrative Investigations Division

Kevin DuBose, Director of the Administrative Investigations Division, provided an update to the Board on summary comparison for the time period of September 1, 2015 through March 31, 2016 for the County Investigations and State Investigations Units. Consistent with Chief Luna's report, the AID has seen an increase in overall cases reported. There has not been an increase in the number of cases with confirmed allegations. Not shown in the report, AID has undertaken an initiative to eliminate the number of backlog cases. These are cases from FY 2014 and FY 2015. As of December, 2015, AID is fully staffed and now able to address the backlog of cases. Significant progress has been made thus far and it's expected that AID will have eliminated all backlog cases by the time of the next Board meeting.

Report from the Trust Committee

Jimmy Smith, Chairman of the Trust Committee, reported that all members were present for the committee meeting. Ana with the Spotted Horse Livery provided an update on what she's doing to bring out people to know what's going on at the Parrie Haynes Ranch.

Discussion, consideration, and possible approval to authorize terminating the current lease between the Parrie Haynes Trust and the lessee of the tract of land in Milam County, to refund the paid lease amount for the remainder of the year to Kathy Rasberry, and to authorize staff to explore potential opportunities for the Milam County tract of land to generate money for the Parrie Haynes Trust (Action)

Kathryn Gray, Staff Attorney, reported that the Parrie Haynes Trust has leased a portion of the Parrie Haynes Trust property, located in Milam County to Joe and Kathy Rasberry since the 1990s for grazing. Joe Rasberry recently passed away, and as a result, Kathy Rasberry asked to terminate the lease early. The lease does not provide a method for terminating early. However, the staff recommended terminating the Trust's lease with the Rasberrys and refunding the remainder of the lease amount, \$1166.65 to Kathy Rasberry. Commissioner Smith moved to approve the lease termination. Ms. King seconded. The motion passed.

Report from the Finance and Audit Committee

Calvin Stephens, Chairman of the Finance and Audit Committee, reported that the committee met and all members were present for the committee meeting to hear items that will also come before the full Board for approval.

Discussion, consideration, and possible approval regarding the FY 2017 State Aid Funding Allocations (Action)

Mike Meyer, Chief Financial Officer, referred to a handout that was provided to the Board. The handout is intended to serve as a resource. It describes the process, both internally and externally, that led to the state aid allocations that are now before the Board. There are three fundamental precepts underlying the new funding formula: clear linkages between funding levels and potential workload measured by juvenile population and actual workload measured by formal referrals; there should be greater equity between departments of similar size but that the state should offer more to support smaller departments on a per juvenile or per referral level than for large departments; and there should be a phase-in period to apply any funding shifts resulting for the new methodology and also the setting aside any funds for discretionary state aid. He referred to page 55 of the hand out and walked through how the formula functions. Chairman Fisher reiterated that from a process standpoint, it's important that everyone understand this was communicated back in September, reviewed with the Advisory Council and allowed for public comment so there was plenty of time to provide input. Mr. Meyer referred to page 3 of the handout that outlined the opportunities given

to include input. In response to a question by Chairman Fisher, Mr. Meyer said the Advisory Council's input was critical. In response to a comment by Judge Brieden, Mr. Meyer stated that the agency is reacting to requirements in SB 1630. The legislature wants to move to discretionary funds and the agency is easing into it. The agency is reacting to its interpretation of the intent with the legislation. Mr. Meyer confirmed that the bill did not specify an amount or percentage. The legislature left it up to the discretion of the agency and the agency is making a good faith effort to focus on a logical funding methodology to satisfy the intent of the bill.

Mr. Meyer and Mr. Reilly addressed additional questions and comments from Judge Brieden, Mr. Matthew and Mr. Shaw. Mr. Stephens moved to approve the resolution. Judge Parker seconded. The vote was taken, all voting yes except for Riley Shaw who voted no. The motion passed.

Discussion, consideration, and possible approval regarding the Agency Strategic Plan for FY 2017 – 2021 (Action)

Carolyn Beck, Governmental Relations Specialist, explained the instructions the agency received for the strategic plan, focusing on agency goals, action plans, redundancies and impediments. The Board has received a final draft of the plan for review. Staff anticipates making only grammatical and cosmetic changes to finalize the plan. Staff recommends the Board give the Chairman discretion to approve the final plan. Ms. King moved to approve the resolution. Mr. Shaw seconded. The motion passed.

Discussion, consideration, and possible approval regarding requested repurposing and transfer of the closed Corsicana Residential Treatment Center to Navarro County (Action)

Chairman Fisher pulled this item from the agenda.

Discussion, consideration, and possible approval regarding the proposed FY 2016 Electricity Provider contract (Action)

Kenneth Ming, Director of Business Operations and Contracts, explained that a competitive bid process was used for this item. Staff recommended the Board give the executive director approval to execute the contract for electrical services for TJJD facilities. Ms. Mendoza moved to approve the resolution. Mr. Shaw seconded. The motion passed.

Discussion, consideration, and possible approval regarding the proposed FY 2016 Gaeke Construction Company contract (Action)

Mr. Ming presented the construction contract for the Giddings State School and explained the competitive bid process used for this contract. Staff recommended the Board give the executive director approval to execute the contract for Gaeke Construction. Mr. Stephens moved to approve the resolution. Mr. Smith seconded. The vote was taken and Judge Brieden abstained from the vote. The motion passed.

Discussion, consideration, and possible approval regarding the proposed Amendment #5 to the TechShare.Juvenile and Juvenile Case Management System-Basic Resource Sharing Addendum (Action)

Mr. Ming presented this item recommending the Board give the executive director approval to execute the requested six month contract amendment. This will allow staff to continue to do research and work on the final details of what this contract will look like for the next year. Ms. King moved to approve the resolution. Ms. Mendoza seconded. The vote was taken and Mr. Matthew, Mr. Shaw and Commissioner Smith abstained from the vote. The motion passed.

Discussion, consideration, and possible final adoption of proposed revisions and rule review for 37 TAC §§385.8165 (Site Selection for Juvenile Facility Construction), 385.8170 (Acceptance of Gifts of \$500 or More), 385.9969 (Collection of Delinquent Obligations), 385.9971 (Student Benefit Fund), and 385.9990 (Vehicle Fleet Management) (Action)

Mr. Meyer stated the Board approved posting the revisions to these rules in the Texas Register for a 30-day public comment period. No comments were received. However, staff recommended minor grammatical corrections. The staff requested the Board's approval to adopt the rule review and the final rules. Judge Parker moved to adopt the rule review and final rules. Judge Brieden seconded. The motion passed.

Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §§385.8153 (Research Projects), 385.9967 (Court-Ordered Child Support), and 385.9993 (Canteen Operations) in the Texas Register for a 30-day public comment period (Action)

Mr. Meyer stated these rule revisions align agency policy with current statute. Staff requested permission to post the rule revisions for a 30-day public comment period in the Texas Register. Ms. King moved to approve the resolution. Mr. Shaw seconded. The motion passed.

Discussion, consideration, and possible approval regarding the Alleged Abuse, Neglect, and Exploitation Audit (ANE) (Action)

Eleazar Garcia, Chief Internal Auditor, presented the audit. He reviewed controls in the areas that support the proper handling of ANE reporting and handling and controls that could be strengthened to ensure compliance with agency's policies and procedures and provide more effective practices. In response to questions by Chairman Fisher and Judge Brieden, Mr. Reilly confirmed that discussions regarding improvements to the complaint management software system were underway. Mr. Garcia stated that management concurred with the findings in the audit. Mr. Stephens moved to approve the audit. Ms. King seconded. The motion passed.

Discussion, consideration, and possible approval regarding the Brownwood Halfway House Audit (Action)

Mr. Garcia presented the audit. He reviewed the controls in areas that are functioning as intended and controls that could be strengthened to ensure compliance with agency's policies and to provide more cost-effective practices. Mr. Garcia stated that management concurred with the findings in the audit. Mr. Stephens moved to approve the audit. Mr. Matthew moved to approve the audit. Judge Parker seconded. The motion passed.

Discussion, consideration, and possible approval regarding the proposal to amend the TJJD FY 2016 Audit Plan (Action)

Mr. Garcia presented the proposal to amend the current plan. He stated removing the CAPPS audit is recommended due to the fact that the State Auditor's Office is currently reviewing the agency's financial controls which included CAPPS processing. Audit staff recommended replacing the CAPPS audit with an audit of halfway house education services. Ms. King moved to approve the amended audit plan. Judge Brieden seconded. The motion passed.

Report from the Safety and Security Committee

Judge Parker reported that the committee met and heard reports for Chief Luna, Mr. DuBose and Teresa Stroud. The committee also heard additional items that will also come before the Board and recommends final approval by the full Board.

Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC §385.9941 (Response to Ombudsman Reports) and §385.9951 (Death of a Youth) (Action)

Teresa Stroud, Senior Director of State Programs and Facilities, stated the Board approved posting the revisions to these rules in the Texas Register for a 30-day public comment period. No comments were received. However, staff recommended minor typographical corrections. The staff requested the Board's approval to adopt the rule review and the final rules. Judge Parker stated the Safety and Security Committee is recommending approval. Ms. Mendoza moved to adopt the rule revisions and final rule. Ms. King seconded. The motion passed.

Discussion, consideration, and possible approval regarding the discipline of certified officers- Agreed Order (Action)

- a. **Corey Hardy; 16-13671-160016; 13671 (Galveston)**
- b. **Julio Ruelas; 15-27570-140376; 27570 (Bexar)**
- c. **Alice Basquez; 15-28272-150327 (Garza)**
- d. **Edgar Mendez; 16-29118-150318 (Cameron)**

Kyle Dufour, Staff Attorney, presented the agreed orders. Judge Parker abstained from the order regarding Bexar County, item b. Mr. Matthew moved to approve the agreed orders for items a, c, and d. Ms. King seconded. The motion passed. Mr. Shaw moved to approve the agreed order for item b. Mr. Matthew seconded. The motion passed.

Discussion, consideration, and possible approval regarding the discipline of certified officers- default judgment orders (Action)

- a. **Miguel Turcios; 15-28684-150262; 28684 (Nueces)**

Mr. Dufour presented the default judgement order. He stated the officer did not respond to the agency's notice. Judge Parker moved to approve the default judgement order. Commissioner Smith seconded. The motion passed.

Report from the Programs Committee

Mr. Shaw reported that the committee met and received good information from staff. The committee also heard additional items that will also come before the Board and recommends final approval by the full Board.

Discussion, consideration, and possible final adoption of revisions within 37 TAC Chapter 341, relating to General Standards for Juvenile Probation Departments; 37 TAC §§343.616, 343.688, and 343.690, relating to case plans in secure facilities; and 37 TAC §355.654, relating to case plans in non-secure facilities (Action)

James Williams, Senior Director of Probation and Community Services, stated the Board approved posting the revisions to these rules in the Texas Register for a 30-day public comment period. No comments were received. However, staff recommended minor grammatical corrections. He stated that the Advisory Council reviewed these rules and provided input. The staff requested the Board's approval to adopt the rule review and the final rules. Mr. Stephens moved to adopt the rule revisions and final rule. Judge Parker seconded. The motion passed.

Discussion, consideration, and possible final adoption of rule review for 37 TAC §385.9981, relating to Sick Leave Pool Administration (Action)

Royce Myers, Director of Human Resources, recommended re-adoption of the rule. He stated the Board approved posting the revisions to these rules in the Texas Register for a 30-day public comment period. No comments were received. The staff requested the Board's approval to re-adopt the rule review and the final rule without changes. Judge Parker moved to adopt the rule review and final rule. Judge Brieden seconded. The motion passed.

Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC §§385.8101 (Public Information Requests), 385.8107 (Petition for Adoption of a Rule), 385.8111 (Complaints from the Public), 385.8136 (Notices to Public and Private Schools), 385.8141 (Confidentiality), 385.8161 (Notification of a Facility Opening or Relocating), 385.8163 (Decentralization), and 385.8181 (Background Checks) (Action)

Karol Davidson, Staff Attorney, stated the Board approved posting the revisions to these rules in the Texas Register for a 30-day public comment period. No comments were received. However, staff recommended minor grammatical corrections. The staff requested the Board's approval to adopt the rule review and the

final rules. Mr. Shaw moved to adopt the rule review and final rules. Judge Parker seconded. The motion passed.

Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §385.8137, relating to Media Access (Action)

Jim Hurley, Director of Communications, stated the Board approved posting the revisions to this rule in the Texas Register for a 30-day public comment period. No comments were received. However, staff recommended minor grammatical corrections. The staff requested the Board's approval to adopt the rule review and the final rule. Ms. King moved to adopt the rule review and final rule. Judge Brieden seconded. The motion passed.

Chairman Fisher called for a recess to convene in a closed session.

Closed Session – Executive Session

- a. **§551.071 Consultation with attorney (see footnote)**
- b. **§551.072 Deliberation regarding real property (John C. Wende and Parrie Haynes trusts)**
- c. **§551.074 Discussion regarding personnel matters**
- d. **§551.076 Deliberations regarding security devices or security audits**

The Board entered a closed session at 11:23 a.m.

Reconvene in open session, discussion, consideration, and possible approval regarding matters deliberated in closed executive session, if applicable (Action)

The Board reconvened in open session at 11:52 a.m. No action was taken.

Adjourn

Chairman Fisher adjourned the meeting.